

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 9, 2008

DIVISION ONE

B202399 Terence P. Swain et al. (Not for Publication)
 v.
 American Capital Strategies, Ltd., et al.

The judgment in favor of respondents with respect to the causes of action for breach of contract, breach of the covenant of good faith and fair dealing, and breach of fiduciary duty is affirmed. The judgment in favor of respondent Sunvest on Smith's claim of breach of his employment agreement is reversed. Each party shall bear his, her or its own costs of appeal.

Rothschild, J.

We concur: Mallano, P.J.
 Neidorf, J. (Assigned)

B200944 People (Not for Publication)
 v.
 Carl Jerome Woodard et al.

The judgment is affirmed.

Neidorf, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

DIVISION ONE (continued)

B201721 Showing Animals Respect and Kindness et al. (Certified for Publication)
v.
City of West Hollywood

The judgment is affirmed. Respondent is awarded its costs on appeal.

Rothschild, J.

I concur: Neidorf, J. (Assigned)
I dissent: Mallano, P.J. (Opinion)

B205214 Los Angeles County, D.C.S. (Not for Publication)
v.
Beatriz Z. et al.

The court's finding of adoptability is affirmed. The order terminating parental rights is conditionally reversed, and the matter is remanded to the juvenile court for the sole purpose of compliance with the Indian Child Welfare Act, including ordering the Department of Children and Family Services to comply with the notice provisions of the Indian Child Welfare Act and the holding of a hearing to determine whether the Indian Child Welfare Act applies. If neither the Bureau of Indian Affairs nor Navajo tribes respond indicating Stacey is an Indian child within the meaning of the Indian Child Welfare Act, or fails to respond within the designated period after the notice is sent (§ 224.3, subd. (e)(3)), the order terminating parental rights shall be reinstated. If the Bureau of Indian Affairs or a Navajo tribe determines Stacey is an Indian child within the meaning of the Indian Child Welfare Act, the juvenile court shall conduct further proceedings, applying the appropriate provisions of the Indian Child Welfare Act, the Welfare and Institutions Code, and the California Rules of Court.

Neidorf, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

September 9, 2008 (Continued)

DIVISION ONE (continued)

[illegible]

The \$5,000 Penal Code section 1202.45 fine is stricken. In all other respects, the judgment is affirmed.

Neidorf, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B197557 People (Not for Publication)
v.
Jones

The judgment is affirmed.

Rothschild, J.

We concur: Mallano, P.J.
Neidorf, J. (Assigned)

B198098 People
v.
Jimmy J. Johnson

Filed order modifying opinion. (No change in the judgment)

DIVISION THREE

B201432 Weissburg (Not for Publication)

v.

Los Angeles Civil Service Commission

Los Angeles County Department of Children and Family Services

The judgment is affirmed. The Department is entitled to recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B206234 Los Angeles County, D.C.S. (Not for Publication)

v.

Yvette L.

The order from which Mother has appealed is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B202633 Augustson, as Trustee, etc., et al. (Not for Publication)

v.

Texaco, Inc.

The judgment is affirmed. Texaco is entitled to recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

September 9, 2008 (Continued)

DIVISION THREE (continued)

B196645 Hovsepian (Not for Publication)

V.

Land Rover North America, Inc.

The judgment is affirmed. Land Rover shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B200394 Gornik (Not for Publication)

V.

County of Los Angeles

The judgment is affirmed. The County is to recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

September 9, 2008 (Continued)

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

B207416 DCFS v. Sheneva W.

Argument waived, cause submitted.

B203254 Kevin Cavalli
 v.
 Richard Cavalli

Merits:

Argued by Richard Cleary for appellant and by Steven Bacon for respondents. Cause submitted.

Court recessed.

Court reconvened at 10:00 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

Each of the following:

203269 Peo v. Franklin
B203643 Peo v. Taylor

Argument waived, cause submitted.

DIVISION FIVE (continued)

B197553 People
 v.
 Harold Tassin

Merits:

Argued by William Heyman for appellant and by David Voet, deputy attorney general, for respondent. Cause submitted.

B202620 Connie Jordan
 v.
 Polet, Richardson & Patel

Merits:

Argued by Kevin Smith for appellant and by Victor Fu for respondents. Cause submitted.

B201850 Diamond Auto Body
 v.
 Saima of North America, Inc.

Merits:

Argued by Tyna Orren for appellant and by Robert Hirschman for respondent. Cause submitted.

Court recessed.

Court reconvened at 11:00 a.m.

Present: Turner, P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

DIVISION FIVE (continued)

Each of the following:

B208954 DCFS v. Eric J.
B206451 DCFS v. Albert T.
B201912 Peo v. Lynch & Harris
B206994 DCFS v. Nicole H.

Argument waived, cause submitted.

B200460 People
 v.
 Antonio Marshall

Merits:

Argued by Lynette Moore for appellant and by Laura Hartquist, deputy attorney general, for respondent. Cause submitted.

B208961 Andrea Bragg
 v.
 Superior Court, Los Angeles County

Merits:

Argued by Leonard Chaitin for petitioner and by Suhasini Sawkar, deputy county counsel, for real party in interest. Cause submitted.

B208955 H.E.
 v.
 Superior Court, Los Angeles County
 (D.C.F.S., r.p.i.)

Merits:

Argued by Steven Shenfeld for petitioner and by O. Raquel Ramirez, deputy county counsel, for real party in interest. Cause submitted.

DIVISION FIVE (continued)

B199951 People
 v.
 Juvenal Valencia

Merits:

Argued by Steven Schorr for appellant and by David Glassman, deputy attorney general, for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Turner, P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

Each of the following:

B206264 D.C.F.S. v. Dora M.
B202436 Peo v. Cleveland
B206271 DCFS v. Greciela O.

Argument waived, cause submitted.

B199192 Donald Isaac
 v.
 Los Angeles County-USC Medical Center

Merits:

Argued by Wayne Leech for appellant and by Daniel Barer for respondents. Cause submitted.

September 9, 2008 (Continued)

DIVISION FIVE (continued)

B201361 People
v.
Julian Martinez & Carlos Palma

Merits:

Argued by Allen Weinberg and Eric Larson for appellants and by David Madeo, deputy attorney general, for respondent. Cause submitted.

Court adjourned.

DIVISION SIX

B206467 People (Not for Publication)
v.
Alexander

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SEVEN

B202427 Song (Not for Publication)
v.
Wu

The judgment is affirmed. Respondent(s) to recover costs.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

DIVISION SEVEN (continued)

B196836 Rodriguez (Not for Publication)
 v.
 Rodriguez

The judgment is affirmed. Respondent(s) to recover costs.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

B202249 People (Not for Publication)
 v.
 Antonio C.

The maximum term of physical confinement is stricken. As modified, the juvenile court's order is affirmed.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

B203184 People (Not for Publication)
 v.
 Taylor

The judgment is modified to stay sentencing on count 2 (petty theft with prior theft related convictions) pursuant to section 654. The clerk of the superior court is ordered to prepare an amended abstract of judgment and to send it to the Department of Corrections. As modified, the judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
 Zelon, J.

September 9, 2008 (Continued)

DIVISION SEVEN(continued)

B207214 Andrea T., (Not for Publication)

V.

Superior Court, Los Angeles County
(Dept. of Children and Family Services, r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct hearing pursuant to section 366.26, the petition is denied on the merits.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

DIVISION EIGHT

B199918 People (Not for Publication)

V.

Lewis

The judgment is affirmed.

Bigelow, J.

We concur: Rubin, Acting -+P.J.
Flier, J.